G.R.S. IX—5.

*Previous references.* 1922.—23 ( Ref ) **File No.** 36—22

**Serial Nos.** Note on 2.

*Later references.*

Preserve

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* nil

**Part B for** September 1923

SUBJECT

Constituencies Notes. representatives and methods of representation.

Filed.

(P. 14/10)

1.10.23

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Serial No.

Constituencies, Voters, representatives and methods of representation.

the members of

It has been pointed out in another connection that the R. A. represents 4 different kinds of constituencies:

i. rural
ii. urban
iii. Special interests, and
iv. Minorities.

In the first two cases, the method of representation proposed by the Com: is one of direct primary elections. In the last two cases, it is a combination of elections by associations and nominations by Govt.

The Com: give detailed rules regarding the special qualifications to be possessed by the electors and the representatives of the different constituencies, the general qualifications to be possessed by all electors and representatives and they also impose certain disqualifications on electors and representatives. These rules are analysed here.

Special qualifications.

1. Rural Constituencies. p. 125.
(Paste here)

These constituencies are the same as the existing talukks and subtalukks. The rules proposed by the committee in regard to rural voters closely follow the present rules. But three important changes have been

(2.3

G. R. S. III-2]

General and Revenue Secretariat. | File No. of 19

Serial No.

proposes:

1. the property qualifications of voters have been reduced by 50 p.c.;
2. the franchise has been extended to all persons paying income tax; and
3. Sex disqualification is removed and ~~Women are entitled to the Vote~~.

These changes are expected to increase the no. of voters to about 4 times their present number.

The rules are in conformity with the Dewan's announcement and have been provisionally accepted by Govt. Electoral lists are now being prepared on this basis.

as well as with previous decisions of Govt. &c.

ii. Urban Constituencies.
(Paste rules here)

At present the R.A. Corporation has members who represent urban constituencies as such. It contains, however, a large number of members, about 80, who, though returned by Municipal Councils and District Boards, come mostly from urban areas. The Committee propose to abolish this secondary election and to substitute in its place a system of primary elections. They recommend that the more important municipal areas should be constituted into urban constituencies returning one or more members according to their importance. ~~The right of voting in these constituencies should be confined to persons who possess the property qualification~~

Mun. Council 72
Dt. Bds 16
89

~~Reduction of~~

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | File No. of 19

Serial No.

as well as representatives

The Qualifications for urban voters are the same as in the case of rural ones except that, in respect of property Qualifications, the Standard prescribed for Municipal elections is accepted in lieu of the Standard prescribed for rural elections.

These rules also have been provisionally accepted by Govt and Election lists are being prepared according to these rules.

[The recommendation of the Committee that a person elected to represent an urban area should be given a seat on the local Municipal Council will be separately dealt with.]

) should be provided so that this point may be taken up in connection with the question of fixing the strength of the Rural Boards containing the urban areas in which the information required has been partly, in that Bill

iii. Special interests.

(Pastures)

The Committee proposes that as far as possible, the representation of special interests should be through properly constituted and recognised associations. In respect of such interests as mining labour (other than gold mining), factory labour and industries they have no objection to these interests being represented by persons nominated by Govt.

which have no Associations representing them

i.e. in the present

The special interests the representation of which the Committee recommends are mentioned on page 151 of their report. It will be seen therefrom that each interest has one or two representatives according to its importance. In the case of planting,

(See the list at the end)

NOTE—Contd. sheet.

Serial No.

If it has been provisionally decided that planting representation may be reduced to two ... for which ?

however, the Com: has allowed 4 representatives. It is not clear why a special treatment has been given to this interest. Perhaps the fact that the four Associations mentioned in the list are now enjoying the right of representation may have something to do with the matter. In another connection it has been provisionally decided by Govt to reduce the planting representatives to two if the no. of planting representatives is reduced to two which can be conveniently done by clubbing the two European associations into one Constituency and the two Indian associations into another, each returning one member. If this is done, two seats will be set free. One of these may be given to the Mahratta Land holders' Assocn (as representing agriculture) which (under the Committee's proposals) loses its right of representation. The other may be given to Co-operation. A practicable scheme for the representation of Co-op: Societies can be worked out if ordered, but for the present it will be sufficient perhaps if the Govt nominate a suitable person.

The representations of the Committee in the planting interest is high: in making their proposals the Committee was probably influenced by the consideration that there are at present three European Members' seats entitled to representation, and reduction of their number to one would be indefensible.

Land holders' Assoc. is not a special interest — because the rural constituencies are all landholders.

The Committee has suggested certain conditions which all associations seeking to represent special interests should satisfy. These conditions relate to the objects, registration, strength and general working of the associations and are intended to ensure that the associations are active institutions. They may be accepted.

[In connection with the Mysore University proposals regarding the Mysore Legislature it should be made clear that while registered graduates can vote, they can't stand as candidates.]

NOTE—Contn. sheet.

Serial No.

iv. Minorities.

(Para here)

The Question of the representation of minorities in the R. A. has been dealt with at considerable length in the report of the Committee and is also the subject of two dissenting minutes.

The Committee find firstly that the minorities that have to be represented on the Assembly are not minorities of opinion or minorities of interest but communal minorities, and they have to be represented not as communities but as minorities. Next, they discuss how this representation can be most effectively secured. They find, by a majority, that exclusive communal Electorates, even if practicable, are objectionable. Mr. Abbas Khan dissents from this view, but in the absence of Special Electorates he is prepared to accept the Electorates recommended by the Committee. The Committee also decide against the reservation of seats for communal candidates in plural Constituencies with a general electoral roll. The Committee consider that the best method of representation is by a combination of Elections through associations and nomination by Govt. As regards the minority communities which should be represented in the R.A. the Committee have

Para 70 (1)

(2) These are the principles of the majority

NOTE—Contn. sheet.

Serial No.

Part proceedings (3)

Come to the decision that only such communities as number more than 20,000 and that do not obtain adequate representation in the general elections should be classed as minority communities entitled to the right of representation through associations and that this right should be given to them not so much because they are special communities as because they are under-represented in the Assembly. Communities numbering less than 20,000 should apparently go without any representation.

(4)

In the course of the discussions leading to these conclusions, sharp differences of opinion have arisen and have been expressed in the report and the dissenting minutes. Much of this difference appears to be due to the rather arbitrary sense in which the expression "minorities" has been understood by the majority of the Committee. ~~If it had been understood in its~~ more natural sense of communities which, either because they are backward or because they form but a small proportion of the population, have not, in actual fact, been able to get that degree of representation to which their importance entitles them, there would probably have been less disagreement in the Com's discussion. But as regards the main point viz. that the best method of minority representation is by

NOTE—Contd. sheet.

Serial No.

a combination of elections through associations and nominations by Govt., the members are in agreement.

The Committee proposes to fix the no. of seats for the representation of minorities at 35 of which 25 are reserved for representation through associations and 10 are available for nomination by Govt. Here, again, there is some difference of opinion both as regards the total no. of seats set apart for minorities as also their distribution between representatives of Assocns and nominated representatives. But the figures proposed by the majority of the Com- 25 and 10- appear to be suitable.

The Committee's recommendation in respect of representation through associations is that any community, consisting of 20,000 persons or more, which is not represented in the Assembly shall not be denied representation if it applies for it through an association. If this be strictly followed, Govt. must wait till the results of a general election are announced, see what community receives inadequate representation [adequate representation being 1 Member for every 20,000 persons in the community] and then decide whether an Assocn. applying for representation is entitled to it. Again, no Assocn. can feel sure (until after the general elections) that it will receive the right of representation, but yet-

no. several members have dissented from the view that there is the "best" method

not quite - in recommendation II (iii) at p. 128

NOTE—Contn. sheet.

Serial No.

it must go on working actively lest it should be disqualified as an inefficient institution. Now the right to return a member may be looked upon as being in the nature of a reward for good work done and an encouragement for the future. But if the grant of the reward depends not solely upon the efficient working of an institution but also upon circumstances over which it has no control, the assocn will have no real incentive to do good work. For these reasons it seems to be necessary that independently of the general elections a limited no of Associations representing certain communities should be recognised as being entitled to the privilege of returning members to the L.A. Should this recognition result in a slight over-representation of any community, it will do no serious harm.

There is not much to be said regarding the nomination of 10 members by Govt except that it is perhaps not necessary to confine the nomination to a person belonging to a community numbering over 20,000. It may be desirable to secure the representation of smaller communities and the matter may be left to the discretion of the Govt.

The question here arises whether the 25 seats reserved for the representation of minorities should be allotted among the various com-

NOTE—Contn. sheet.

(9

Serial No.

minorities which have to be represented on the R.A. Committee with the view that the representation under reference is one of minorities and not of communities, the Committee have definitely decided against such allotment. They (by a majority) hold that the justification for the reservation of seats for minority representation lies in the fact that by its means inequalities in the results of the general elections can be considerably modified, that this opens to any community adversely affected by the general elections to seek representation through associations, and that this will not be possible if the seats are allotted in definite proportions among a no. of communities. On general grounds also, the Committee condemn the idea of allotment. While fully admitting the force of the Committee's views, it is submitted that the Com. have proceeded on rather academical considerations in this matter and have not paid sufficient attention to conditions as they exist at present. Also, the majority did not give an opportunity to the minority to give full expression to their views in the Committee.

In the light of past experience, it is almost certain that some important communities would fail to secure adequate representation if they depended solely on general electorates. It is necessary to recognise this fact and give them the opportunity of returning

always

NOTE—Contn. sheet.

Serial No.

a limited no. of members through associations. The principal communities to which this concession may be extended are Mahamadans, Panchamas, and Christians. Under existing conditions the last two communities have scarcely any chance of coming in through the general elections and the Mahamadan Community may not get more than about 8 to 10 seats. Govt. may therefore consider the advisibility of reserving some seats for these Communities. It may be made clear that this is only a temporary measure and ~~[illegible]~~ that the Communities should make every endeavour to work their way up through the general elections. As regards the no. of seats to be reserved, it is suggested that

10 to 12 seats may be reserved for Mahamadans

4 to 5 for Panchamas and

3 for Christians.

These seats may be in addition to seats they may gain in the general elections.

The remaining 15 to 17 seats will still be available for the representation of other communities.

This would be in addition to any seats the Communities may secure at the general elections.

vide para 152

The Committee propose that associations thro' which minorities are represented should satisfy the same conditions as Assocns representing special interests. The standard set here seems to be too high. The characteristic feature of an assocn representing spl. interests is that it consists of men whose interests are more valuable or more intricate than those of the average citizen. This might therefore that it shd: be required to show an activity proportionate to the

NOTE—Contn. sheet.

Associations representing

Serial No.

importance of the interests which it represents. But in the case of minorities, the essential fact is that they consist of men who, for one reason or another, stand more in need of help, sympathy and encouragement at the hands of the Govt. Standards of efficiency suitable to citizens of a special class or even to average citizens are therefore out of place in their case. The tests to be applied to them have to be of a different and simpler character. If this view is accepted the rule proposed by the Com: may be modified by the omission of the second part of cl. (d), & cl. (e) (pay ss of report).

This is just the point of the dissent note & my case

[The point raised in this paragraph is not very important but still it requires the orders of Govt. The Com. proposes to recognise a Co-op. Society having a membership belonging to a minority Community as an assocn. competent to return a member to the R.A. But a Co-op. Soc. is now a political body and attempts to make it a communal body are always to be deprecated. It is open of course to the members to form another assocn. for purposes of representation but as a Co-op. Soc. its franchise are merely economic and it will be best not to mix them up with political or communal matters.]

[The matter is apparently due to an oversight. In respect of associations, the Committee say that the qualifications for voting and candidature "shall be the same as for membership." This is wrong

NOTE—Contn. sheet.

Serial No.

As the Qualification is the actual fact of membership.]

General Qualfns of all Voters & Candidates.

In addition to the special Qualifications referred to above, the Committee propose to lay down certain General Qualifications for all Voters and Candidates. The point to note is that the should all be My Soreans. Provision is made for exceptional treatment in the case of ~~special~~ Associations.

Voters' dis-Qualification.

The first point to note is that Govt Service is not a disqualification for Voting. Two members of the Com: hold that it should be. But there seems to be no sufficient reason for such prohibition.

Candidates' disqualification.

The only point of importance here is that Women are not eligible to stand as Candidates. The Committee expressly say that they have not gone into the merits of the Question. And that they have come to their decision merely on the ground that the Question was outside their province. They indicate, however, that if they had felt themselves free to consider the matter they would probably have admitted Women to the membership of the Assembly. This a matter for consideration however, whether it is not advisable to wait and see how Women will exercise the privilege of Voting which

NOTE—Contn. sheet.

G. R: S. III-2,

General and Revenue Secretariat. File No. of 19

(15

Serial No.

is going to be extended to them. If, as may be confidently hoped, the privilege is widely and intelligently exercised, membership may at anytime be thrown open to them.

Rules on the various points raised here will be prepared and submitted as soon as orders are passed on them.

As this note is rather long, a summary of the principal points dealt with in it is put up to facilitate the consideration of the points:

I. Rules of election for rural areas.

Generally suitable & may be accepted.

II. Urban areas

Suitable & may be accepted.

III. Special interests

May be accepted with the following modifications:

i. Reduction of planting representatives from 4 to 2.
ii. Representation of Agriculture thro' Mahratta L.H. assocn.
iii. Representation of co-operation by a nominated member.
iv. Registered graduates not eligible to stand as University candidates.

IV. Minorities.

The rules proposed by the committee may be accepted with the following modifications:-

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | File No. of 19

(14

Serial No.

i. That the privilege to return a member may be given to an Assocn. either before or after the general Elections.

ii. That of the 25 representatives of Assocns, 18 to 12 shall be Mahamadans, 4 to 5 Panchamas, and 3 Christians - these being in addition to the seats secured by them at the general Elections.

iii. That nominations by Govt. need not be confined to members belonging to communities numbering over 20,000.

iv. That the conditions to be satisfied by these associations need not be so strict as those which Assocns of Sp. interests have to satisfy.

v. That Coopve. Societies with a communal membership are not eligible, as Coopve. Societies, to return members.

vi. Membership of an Assocn. is the qualification required for Voters and Candidates in respect of that Association.

Rules regarding General Qualifications, Disqualifications of Voters & Candidates.

Govt. Servants can Vote

Women cannot stand as Candidates.

(vide note appended)

NOTE—Contn. sheet.

(Chief Secretary)

P.R.
12/4